IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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TUESDAY, THE TWENTY FOURTH DAY OF JANUARY

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.1068 OF 2006

Between:

L.Jayareddy … Petitioner

Versus

The Inspector of Police,

Bowenpally, Hyderabad & Ors. … Respondents

Counsel for the Petitioner: Mr.V.SREE RANGA RAO (2298)

Counsel for the Respondents: GP for Home

O R D E R :

This writ petition is filed to declare the action of the respondents in interfering with the peaceful possession and enjoyment over plot No.99 bearing H.No.8-7-178/29 admeasuring 200 sq.yards situate in sy.no.61 and 63 at Old Bowenpally, Kukkatpally Municipality, Balanagar Mandal, Ranga Reddy district as illegal, improper, arbitrary, unreasonable and further direct the respondents 1 to 3 not to interfere with the peaceful possession and enjoyment of the petitioner over the aforesaid property.

It is stated that one Mr.G.Balwant Reddy is the original owner of the house bearing No.8-7-178/29 on plot no.99 in survey nos. 61 and 63 admeasuring 200 sq.yards situate at Old Bowenpally, Kukkatpally Municipality, Balanagar Mandal, Ranga Reddy district and the said Balwant Reddy executed an agreement of sale-cum-General Power of Attorney in favour of the petitioner dated 03-12-2002 which is registered as document no.7954 of 2002 in the Office of the Sub-Registrary, Kukkatpally. One Smt.Clara Kasturi started interfering with the peaceful possession and enjoyment of the petitioner. He filed O.S.No.285 of 2003 on the file of the Court

Principal Junior Civil Judge, Hyderabad West and South, and the said Court by judgment dated 17-1-2005 decreed the said suit against the aforesaid Clara Kasturi. Even after suffering decree, the fourth respondent at the instance of respondent no.5 on the one hand and respondents 1 to 3 on the other are interfering with the peaceful possession and enjoyment over the petitioner's property.

Having regard to the facts and circumstances of the case, unless and until any complaint or report is filed alleging that the petitioner has committed cognizable offence, the respondents 1 to 3, who are police officers cannot interfere in civil dispute of immovable properties.

Accordingly, this writ petition is disposed of directing the respondents 1 to 3 not to interfere with the peaceful possession and enjoyment over the petitioner's plot no.99, bearing H.No. 8-7-178/29, admeasuring 200 sq.yards situated in survey nos. 61 and 63 at Old Bowenpally, Kukkatpaly Municipality, Balanagar Mandal, Ranga Reddy district. However, if there is any report or complaint is lodged against the petitioner, it is always open for the respondents-police officials to register and investigate the same and take action in accordance with law.

With the above direction, this writ petition is disposed of at the admission stage. No costs.

JANUARY 24th, 2005. ----------

I s L. V. ESWARAIAH , J.

* NB: Furnish CC today.

B/o. IsL.